IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.37410 of 2008
SHAMIM AKTHAR @ MD.SHAMIM AKHTAR
Versus
STATE OF BIHAR
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2 30.9.2008 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in a case under Sections 302 and 201 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that he has been falsely implicated in this case. There is no eye witness of the occurrence. The police after investigation also submitted final form. The post mortem which is annexure-2 would also falsify the prosecution story. The date of occurrence is 14.10.2004. The post mortem was done on 20.10.2004 and according to the doctor the time elapsed since death was within 20to 30days. In other words, the victim died much before the alleged date of occurrence.

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Considered the submission of learned counsel for the petitioner. Perused the post mortem report as well as fardbeyan.

Having regard to the facts and circumstances of the case as well as nature of accusation, in case of arrest or surrender within four weeks of receipt of this order, the petitioner named above shall be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sub-divisional Judicial Magistrate, Sikraharna at Motihari in Dhaka (Panchpakri) P.S.Case No.123/04 subject to conditions as laid down under Section 438(2) Cr.P.C.

B.Jha **(Ghanshyam Prasad)**

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